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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 21, 2017

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Mr. Sam Coleman
Acting Regional Administrator
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

Subject: Request for extension of deadline for submittal of Section 111(d) state plan for existing municipal solid waste landfills under 40 Code of Federal Regulations (CFR) Part 60, Subpart Cf

Dear Mr. Coleman:

The Texas Commission on Environmental Quality (TCEQ) is requesting an extension of the deadline for submittal of a revised Section 111(d) state plan to implement the 40 CFR Part 60 Subpart Cf Emission Guidelines for Municipal Solid Waste Landfills (MSWL), as provided under 40 CFR § 60.27(a). The Environmental Protection Agency (EPA) promulgated the Subpart Cf Emission Guidelines on August 29, 2016 (81 FR 59276) and established a deadline of May 30, 2017, for states with affected landfills to submit a state plan or state plan revision. TCEQ currently has an EPA-approved state plan for existing MSWL (64 FR 32427, June 17, 1999), but revisions to the plan will be necessary to account for the changes introduced by the new emission guidelines.

TCEQ is requesting this extension because of the time required to complete the research, rulemaking, and associated non-rule actions needed to implement the new emission guidelines. It will be necessary to revise the 30 Texas Administrative Code (TAC) Chapter 113, Subchapter D regulations implementing the current Texas state plan for MSWL and to revise Texas air permitting authorizations for MSWL facilities which currently do not address the requirements of the new Subpart Cf Emission Guidelines and Subpart XXX New Source Performance Standards for MSWL. These authorizations include the Standard Air Quality Permit for MSWL Facilities under 30 TAC Chapter 330 Subchapter U and General Operating Permit No. 517 for MSWL issued under 30 TAC Chapter 122.

Taking into account the statutory and administrative requirements which are required for rulemaking in Texas, approximately one year is needed to initiate and complete a typical rulemaking project. However, the scope of the work necessary for TCEQ to implement the new emission guidelines and revise the state plan is substantially broader than a typical rulemaking. In addition, TCEQ is facing a state legislative session and various other federal actions which are expected to place a high demand on agency resources available for rulemaking activities. For these reasons, TCEQ is requesting that the EPA extend the deadline for Texas to submit the revised state plan required by 40 CFR Part 60 Subpart Cf, to a date no earlier than November 30, 2018.

The TCEQ staff member assigned to manage the development of the revised MSWL rules and state plan is Mr. Michael Wilhoit, TCEQ Air Permits Division, Operational Support Section. If you have any questions or need more information pertaining to this request, please feel free to

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contact Mr. Wilhoit at (512) 239-1222 or by e-mail at michael.wilhoit@tceq.texas.gov. An expeditious reply to this request would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "R.A. Hyde". The signature is stylized with a large, looped "R" and a cursive "Hyde".

Richard A. Hyde, P.E., Executive Director
Texas Commission on Environmental Quality

cc: Mr. Kenneth Boyce, EPA Region 6